

Gloria L. Franklin
Clerk of Court

San Francisco Bankruptcy Court
235 Pine St.
P.O. Box 7341
San Francisco, CA 94120-7341

(415) 268-2300

Richard W. Wieking, Clerk
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102-3489

Re: *Richard L. Hatfield*
07-30031 (*Involuntary Case*)
Bankruptcy Judge: *Thomas E. Carlson*

Col 5373 CW

RECEIVED

OCT 30 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Dear Mr. Wieking:

[X] Enclosed please find a copy of the **Appellant's Designation of Record and Statement of Issues on Appeal Filed on October 25, 2007**. The Appellant's designated items are not included with the designation.

[] Enclosed please find the record of designated items and a certificate of record for an appeal that has been previously sent to the district court.

[] Enclosed please find the copies of pleadings in amended designation of record for an appeal that has been previously sent to the district court.

Please acknowledge receipt of the enclosed documents with the District Court case number on the copy of this letter and return it to *U.S. Bankruptcy Court, San Francisco Division*.

Gloria L. Franklin, Clerk
United States Bankruptcy Court

Dated: October 29, 2007

By:

Michelle Holman
Deputy Clerk

1 James H. Seymour SBC No. 48651
706 Cowper Street
2 Palo Alto, California 94301
Telephone: (650) 323-7226
3 Counsel for Appellants
Jennifer M. Moore, Carey & Carey,
4 and Ricardo C. Saria

FILED

OCT 30 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND *RF*

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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re

11 ALLIANCE FINANCIAL
CAPITAL HOLDINGS, INC.

12 Alleged Debtor.
13

No. 07-30030 TEC 7

Chapter 7
(Involuntary)

14
15 RICHARD L. HATFIELD,

16 Alleged Debtor.
17
18

No. 07-30031 TEC 7

Chapter 7
(Involuntary)

19
20 DESIGNATION OF RECORD ON APPEAL
21 FROM AWARD OF ATTORNEYS' FEES
22 IN CASE NO. 07-30031
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1 Appellants Jennifer M. Moore, Carey & Carey, and Ricardo C. Saria designate the
 2 record on their appeal from the award of attorneys' fees in this action as follows:

3	No.	Docket No.	Document Title	Date
4	1	1	Chapter 7 Involuntary Petition	9 Jan 07
5	2	3	Order Transferring Case (to Judge Carlson)	11 Jan 07
6	3	11	Notice of Removal - Adversary No. 07-03011	29 Jan 07
7	4	14	Answer to Complaint (Involuntary Petition)	1 Feb 07
8	5	15	Order Suspending Involuntary Bankruptcy Proceedings	2 Feb 07
9	6	18	Order Setting Continued Status Conference	12 Feb 07
10	7	20	Status Conference Statement	22 Feb 07
11	8	21	Order Continuing Suspension, <i>etc.</i>	27 Feb 07
12	9	23	Order Correcting Time and Date of Status Conference	2 Mar 07
13	10	25	Status Conference Statement	8 Mar 07
14	11	26	Amended Order Continuing Suspension, <i>etc.</i>	13 Mar 07
15	12	29	Order Continuing Status Conference	9 May 07
16	13	31	Motion to Dismiss	25 May 07
17	14	32	Notice of Hearing (Motion to Dismiss)	25 May 07
18	15	33	Motion to Terminate Suspension and Dec. of Seymour	26 May 07
19	16	34	Notice of Hearing (Motion to Terminate Suspension)	26 May 07
20	17	35	Brief in Opposition to Motion to Terminate Suspension	8 Jun 07
21	18	36	Declaration of Berke-Dreyfuss in Support of Opposition	8 Jun 07
22	19	37	Objection to Declaration of Seymour	8 Jun 07
23	20	38	Errata Re Brief in Opposition	14 Jun 07
24	21	39	Joinder by Moore in Involuntary Petition	15 Jun 07
25	22	40	Joinder by Carey & Carey in Involuntary Petition	15 Jun 07
26	23	41	Joinder by Saria in Involuntary Petition	15 Jun 07
27	24	42	Brief in Opposition to Motion to Dismiss	15 Jun 07
28	25	43	Declaration of Seymour in Opp. to Motion to Dismiss	15 Jun 07

1	Docket No.	Document Title	Date
2	26 44	Opposition to Declaration of Seymour	19 Jun 07
3	27 46	Order Granting Motion to Dismiss	26 Jun 07
4	28 48	Notice of Appeal	4 Jul 07
5	29 49	Election to Appeal to District Court	4 Jul 07
6	30 52	Motion to Pay Attorneys Fees	10 Jul 07
7	31 53	Notice of Hearing	10 Jul 07
8	32 59	Agreed Notice of Continued Hearing	10 Aug 07
9	33 63	Memo in Opposition to Motion to Pay Attorneys Fees	14 Sept 07
10	34 64	Declaration in Opposition to Motion to Pay Fees	14 Sep 07
11	35 65	Joinder of Carey & Carey in Opposition to Fees Motion	17 Sept 07
12	36 66	Joinder of Ricardo Saria in Opposition to Fees Motion	20 Sept 07
13	37 67	Reply to Opposition to Motion for Attorneys Fees	21 Sept 07
14	38 68	Objection to Declaration in Opposition to Fees Motion	21 Sept 07
15	39 69	Order Awarding Attorneys Fees	3 Oct 07
16	40 72	Notice of Appeal	14 Oct 07
17	41 73	Notice of Election to Appeal to District Court	14 Oct 07

18 Also to be included in the record on appeal are (1) a copy of the docket for this
19 case, (2) the transcript of the hearing held on 22 June 2007, and (3) the transcript of the
20 hearing on 28 September 2007.

21 STATEMENT OF ISSUES ON APPEAL

22 The transcript of the 28 September 2007 hearing which resulted in the order of
23 dismissal has has not yet been prepared. Because the findings of the Court on which it
24 based its order of dismissal were stated on the record on 28 September and the Court did
25 not make any written findings, appellant prays leave to amend this statement of issues,
26 and reserves the right to do so, after the transcript has been received by her counsel.

27 Notwithstanding the foregoing, appellant cites the following issues for appeal:
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- 1 1. The continued pendency of the appeal of the order dismissing the involuntary
- 2 bankruptcy petition against Richard Hatfield (Hatfield).
- 3 2. The contingency and the failure of performance of the "settlement" on which the
- 4 dismissal against Hatfield was based.
- 5 3. The denial by Hatfield of any obligation by him under the terms of the "settlement"
- 6 on which the dismissal against Hatfield was based.
- 7 4. The failure of the Court to make any findings with respect to the criteria
- 8 established by the Ninth Circuit for determining the propriety of awarding attorneys fees
- 9 when an involuntary petition is dismissed.
- 10 5. The failure of Hatfield to demonstrate any facts supporting an award of attorneys
- 11 fees under the criteria established by the Ninth Circuit for determining the propriety of
- 12 awarding attorneys fees when an involuntary petition is dismissed.
- 13 6. The amount of fees awarded exceeds Hatfield's evidence of fees incurred after the
- 14 appellants filed their joinders in the pending involuntary petition.
- 15 7. The petitioner's joinder had no effect on and was not a cause of any attorney fees
- 16 incurred by Hatfield.

17 JAMES H. SEYMOUR

18
19 Dated: 24 October 2007

/s/ James H. Seymour
James H. Seymour
Counsel for Appellants
Jennifer M. Moore
Carey & Carey
and Ricardo C. Saria